

AMENDED IN SENATE MAY 17, 2005

AMENDED IN SENATE APRIL 6, 2005

SENATE BILL

No. 293

Introduced by Senator Ducheny

February 16, 2005

An act to add Chapter 2 (commencing with Section 14005), to add Chapter 3 (commencing with Section 14010), to add Chapter 4 (commencing with Section 14200), to add Chapter 5 (commencing with Section 14500), and to add Chapter 6 (commencing with Section 14600) to Division 7 of, to repeal Division 8 (commencing with Section 15000) of, and to repeal and add Section 14000 of, the Unemployment Insurance Code, relating to job training.

LEGISLATIVE COUNSEL'S DIGEST

SB 293, as amended, Ducheny. Workforce Training Act: education, training, and investment.

The federal Workforce Investment Act of 1998 provides for workforce investment activities, including activities in which states may participate. Existing law contains various programs for job training and employment investment, including work incentive programs, as specified.

This bill would restructure and revise those provisions relating to the state administration of, and educational services under, the federal Workforce Investment Act of 1998 by a California Workforce Investment Board.

This bill expresses the Legislature's intent to enact provisions establishing a coordinated system for economic and workforce data collection, analysis, and dissemination.

This bill would restructure those provisions relating to state workforce investment boards and local workforce investment boards,

with respect to various local workforce investment board workforce development programs. This bill would provide certain job security protections for state employees affected by the reorganization of workforce development programs, as specified.

Existing law requires various local job training plans to be prepared by local educational agencies and counties with respect to welfare-to-work programs, as specified.

This bill would authorize a unified local plan prepared by the local workforce investment board to be submitted instead of the individual local plans. This bill, by imposing duties on local government with respect to the implementation of these local programs, would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14000 of the Unemployment Insurance
- 2 Code is repealed.
- 3 SEC. 2. Section 14000 is added to the Unemployment
- 4 Insurance Code, to read:
- 5 14000. (a) The Legislature finds and declares that, in order
- 6 for California to remain prosperous and globally competitive, it
- 7 needs to have a highly skilled workforce.
- 8 (b) The Legislature recognizes all of the following:

1 (1) California must transform its current job training, job
2 placement, and vocational education programs into an integrated,
3 accessible, and accountable workforce development system that
4 can effectively serve job seekers, students, and employers.

5 (2) California’s workforce development program must provide
6 lifelong learning for all Californians, promote self-sufficiency,
7 link education and training to economic development, and
8 prepare California to successfully compete in the global
9 economy.

10 (3) The programs described in paragraphs (1) and (2) must be
11 accessible to all Californians, including persons with an
12 economic, physical, or other barrier to employment.

13 SEC. 3. Chapter 2 (commencing with Section 14005) is
14 added to Division 7 of the Unemployment Insurance Code, to
15 read:

16
17 CHAPTER 2. DEFINITIONS AND SEVERABILITY
18

19 14005. For purposes of this division:

20 (a) “Board” shall mean the California Workforce Investment
21 Board.

22 (b) “Agency” means the Labor and Workforce Development
23 Agency.

24 (c) “Workforce Investment Act of 1998” means the federal act
25 enacted as Public Law 105-220.

26 14006. The provisions of this division are severable. If any
27 provision of this division or its application is held invalid, that
28 invalidity shall not affect other provisions or applications that can
29 be given effect without the invalid provision or application.

30 14007. Each provision of this division shall remain in effect
31 unless the United States Secretary of Labor determines that any
32 provision of this division or its application is not in conformity
33 with the requirements of federal law, at which time only those
34 provisions of this division that are not in conformity with federal
35 law shall be repealed.

36 SEC. 4. Chapter 3 (commencing with Section 14010) is
37 added to Division 7 of the Unemployment Insurance Code, to
38 read:

CHAPTER 3. STATE RESPONSIBILITIES

Article 1. California Workforce Investment Board

14010. The California Workforce Investment Board is the body responsible for the development, oversight, and continuous improvement of California's workforce development system.

14011. The board shall be independent of any existing state agency and shall report, through its executive director, to the Secretary of the Labor and Workforce Development Agency. ~~The board shall provide assistance to the Education and Workforce Council, established pursuant to Section _____ of the Education Code, with respect to the alignment of the state's education and workforce preparation system to the needs of the state's economy.~~

14012. The board shall be ~~composed of _____ members,~~ appointed by the Governor, ~~that are~~ *and shall be* comprised of representatives from the following categories:

(a) (1) A majority of the board members shall be representatives of business that reflect the employment opportunities within the state. At least one representative of business shall be a private sector member of the California Economic Strategy Panel created pursuant to Section ~~15570.10~~ *15570* of the Government Code. Representatives of business shall include both small and large employers and employers with experience in labor and management relations. As used in this paragraph, "small employer" means an employer of 50 or fewer, and "large employer" means an employer of more than 50 employees.

(2) Business representatives shall be appointed by the Governor to the board based upon nominations received from business and trade organizations located within this state.

(3) Business representatives appointed by the Governor to the board shall be owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority, including members of local investment boards.

(b) Chief elected officials of cities and counties that are appointed to the board by the Governor shall be nominated by organizations representing elected officials of cities and counties.

1 (c) Representatives of labor organizations that are appointed to
2 the board by the Governor shall have been nominated by state
3 labor federations. At least 15 percent of board members shall be
4 representatives of labor organizations.

5 (d) Representatives of individuals and organizations that have
6 experience and expertise in youth services that are appointed to
7 the board by the Governor shall include at least one
8 representative from a local public school district, community
9 college district, or county office of education with expertise in
10 developing school-to-career programs.

11 (e) The Governor shall appoint to the board representatives of
12 individuals and organizations that have experience and expertise
13 in the delivery of workforce investment activities serving diverse
14 client populations, especially those with barriers to employment,
15 including representatives of community-based organizations
16 nominated by statewide community and nonprofit organizations,
17 and a representative of private postsecondary institutions
18 nominated by a statewide trade association.

19 (f) The Governor may appoint a single member to the board to
20 represent multiple constituencies on the board.

21 (g) In making appointments to the board, the Governor shall
22 consider the ethnic, race, gender, and geographic distribution of
23 the state's population.

24 14013. The board shall do all of the following:

25 (a) Promote the development of a well-educated and highly
26 skilled workforce.

27 (b) Provide oversight and make recommendations for
28 continuous improvement of workforce investment programs and
29 services, including the development of linkages to ensure
30 coordination and unnecessary duplication among programs and
31 activities and to ensure the achievement of performance
32 standards.

33 (c) Develop guidelines for the operation of the one-stop center
34 system, including:

35 (1) Developing criteria for certification of one-stop centers.

36 (2) Developing policy to guide the one-stop system.

37 (3) Providing oversight and technical assistance for the
38 continuous improvement of the one-stop system.

39 (4) Reviewing and evaluating each partner agency's
40 contribution to the one-stop system.

1 (5) Developing confidentiality guidelines for the one-stop
2 system.

3 (d) Develop, pursuant to Section 14020, a California
4 Workforce Plan and a single state plan as required by the
5 Workforce Investment Act of 1998, review other related
6 workforce development plans for consistency with the plans, and
7 send recommendations to other governing bodies for aligning
8 those other related plans with the California Workforce Plan.

9 (e) Develop, operate, and recommend measures for the
10 continuous improvement of the system and provide the
11 performance data required by the Workforce Investment Act of
12 1998.

13 (f) Coordinate the negotiation of state and local performance
14 measures and prepare, and submit to the Secretary of Labor an
15 annual report on the state's progress in achieving those state
16 performance measures for activities specified in Title I of the
17 Workforce Investment Act of 1998. It is the intent of the
18 Legislature that the unique characteristics of clients be taken into
19 account when developing performance measures.

20 (g) Prepare an overview of workforce preparation program
21 funding to be included as part of the Governor's annual proposed
22 budget.

23 (h) Designate local workforce investment areas as required by
24 the Workforce Investment Act of 1998.

25 (i) Develop allocation formulas to local workforce investment
26 areas for the distribution of funds for adult employment and
27 training activities and youth activities as specified by the
28 Workforce Investment Act of 1998.

29 (j) Review and approve local workforce investment plans.

30 (k) Provide policy development, oversight, and coordination
31 of a statewide system for economic and workforce data
32 collection, analysis, and dissemination that meets the
33 employment statistics system requirement of the Workforce
34 Investment Act of 1998. That system shall be developed in
35 conjunction with, and shall utilize to the fullest extent possible,
36 the Employment Development Department's existing labor
37 market information systems.

38 (l) Apply, as appropriate, after consultation with local
39 workforce investment boards, for workflex and waiver authority
40 provided for in the Workforce Investment Act of 1998.

1 (m) Develop performance criteria for local workforce
2 investment boards to use in creating a list of eligible training
3 providers. To the greatest extent permitted by federal law, the
4 performance criteria shall be consistent with and coordinated
5 with information provided to other state entities, including, but
6 not limited to, the Bureau for Private Postsecondary and
7 Vocational Education.

8 (n) Develop state guidelines for use of individual training
9 accounts, including procedures for making progress payments,
10 limitations on dollar amount and duration, and policies and
11 procedures for exceptions to using individual training accounts.

12 (o) Develop policy on statewide strategic training investments
13 for the Governor's 15-percent discretionary funds and make
14 recommendations on project funding.

15 (p) Develop policy on the use of 25-percent funds as
16 authorized under the Workforce Investment Act dislocated
17 worker provisions.

18 14015. Members of the board may receive up to one hundred
19 dollars (\$100) for each day's actual attendance at meetings and
20 other official business of the board, not to exceed three hundred
21 dollars (\$300) per month, and shall receive their necessary and
22 actual expenses incurred in the performance of their official
23 duties.

24 25 Article 2. State Planning 26

27 14020. The California Workforce Investment Board, in
28 collaboration with the Board of Governors of the California
29 Community Colleges, the State Board of Education, and the
30 appropriate state agencies engaged in workforce development
31 shall develop a California Workforce Plan to serve as a
32 framework for the development of public policy, fiscal
33 investment, and operation of all state labor exchange, workforce
34 education, and training programs. The California Workforce Plan
35 shall also serve as the framework for the development of a single
36 state plan or unified state plan for federal reporting purposes. The
37 plan shall be updated at least every five years.

38 14024. On or before_____, *January 1, 2007*, the board shall
39 make a recommendation to the Governor and the Legislature on

1 the feasibility of submitting a state unified plan for federal
2 compliance purposes for the following activities and programs:

3 (a) Secondary and postsecondary vocational education
4 programs authorized under the Carl D. Perkins Vocational
5 Technology Education Act.

6 (b) Activities authorized under the Carl D. Perkins Vocational
7 Technology Education Act.

8 (c) Programs authorized under Section 6(d) and Section 6(o)
9 of the federal Food Stamp Act of 1977.

10 (d) Activities authorized under Chapter 2 of Title II of the
11 Federal Trade Act of 1974.

12 (e) Programs authorized under the federal Wagner-Peyser Act.

13 (f) Programs authorized under Title I of the federal
14 Rehabilitation Act of 1973.

15 (g) Activities authorized under Chapter 41 of Title 38 of the
16 United States Code.

17 (h) Programs authorized under state unemployment
18 compensation laws.

19 (i) Programs authorized under Part A of Title IV of the federal
20 Social Security Act.

21 (j) Programs authorized under Title V of the federal Older
22 Americans Act of 1965.

23 (k) Training activities carried out by the federal Department of
24 Housing and Urban Development.

25 (l) Programs authorized under the federal Community Services
26 Block Grant Act.

27 SEC. 5. Chapter 4 (commencing with Section 14200) is
28 added to Division 7 of the Unemployment Insurance Code, to
29 read:

30
31 CHAPTER 4. LOCAL SERVICE DELIVERY

32
33 Article 1. Local Workforce Investment Board

34
35 14200. (a) The chief local elected officials in a workforce
36 development area ~~may~~ *shall* form, pursuant to guidelines
37 established by the board, a local workforce investment board to
38 plan and oversee the delivery of all workforce preparation
39 programs in the local area.

1 (b) The relationship between the local workforce investment
2 board and the local elected official shall be contained in a written
3 agreement that describes the partnership and mutual roles and
4 responsibilities.

5 ~~(e) The local workforce investment board and the local elected~~
6 ~~official shall develop the content of the written agreement and~~
7 ~~shall include the method for appointment of the director of the~~
8 ~~local workforce investment board.~~

9 14201. Local workforce investment boards shall be
10 established in each local workforce investment area of the state
11 for the purpose of planning, oversight, and evaluation of all
12 workforce development services in the workforce investment
13 area. The local board shall ensure effective outcomes consistent
14 with statewide goals, objectives, and negotiated local
15 performance standards. Local boards shall ensure that their plans
16 and activities address workforce needs where economic regions
17 encompass more than one local workforce area.

18 14202. Membership of each local workforce investment
19 board shall include:

20 (a) (1) Representatives of business in the local area appointed
21 from among individuals nominated by local business
22 organizations and trade associations and that reflect employment
23 opportunities of the local area. Business representatives shall be
24 owners of businesses, chief executives, or operating officers of
25 businesses or other business executives, including human
26 resources executives, or employers with optimum policymaking
27 or hiring authority.

28 (2) Representatives of business shall include both small and
29 large employers.

30 (3) (A) “Small employer” means an employer of 50 or fewer
31 employees.

32 (B) “Large employer” means an employer of more than 50
33 employees.

34 (b) Representatives of local educational entities, including
35 representatives of local educational agencies, local school boards,
36 entities providing adult education and literacy activities, public
37 and private postsecondary educational institutions, selected from
38 among individuals nominated by regional or local educational
39 agencies, institutions, or organizations representing local
40 educational entities, and statewide trade organizations.

1 (c) A minimum of three representatives of labor organizations
2 nominated by local labor federations, including a representative
3 of an apprenticeship program.

4 (d) Representatives of local community-based organizations
5 nominated by statewide community and nonprofit organizations,
6 including organizations representing individuals with disabilities
7 and veterans, and organizations that serve populations with
8 barriers to employment, such as the economically disadvantaged,
9 youth, farmworkers, homeless, and immigrants.

10 (e) Representatives of economic development agencies,
11 including private sector economic development entities.

12 (f) Representatives of each of the one-stop partners.

13 14203. Membership of local boards may include other
14 individuals or representatives of entities as the local elected
15 official in the local area may determine to be appropriate. ~~In~~
16 ~~making appointments to the local board, the local elected official~~
17 ~~shall consider the ethnic, gender, racial, and geographic~~
18 ~~population distribution of the local area.~~ A single member of the
19 local board may be appointed to represent multiple constituencies
20 on the local board.

21 14204. A majority of the members of the local board shall be
22 representatives of businesses in the local area.

23 14205. The local board shall elect a chairperson for the local
24 board from among the business representatives.

25 14206. It shall be the duty of the local board to do all of the
26 following:

27 (a) Coordinate workforce investment activities in the local
28 area with economic development strategies.

29 (b) Promote participation of private sector employers in the
30 local workforce investment system.

31 (c) Develop and submit a local workforce investment plan to
32 the Governor.

33 (d) Select one-stop operators, review annually the one-stop
34 budgets including each partner's contribution, and report
35 annually to the state board on each partner's contribution.

36 (e) Award grants or contracts to eligible providers of youth
37 activities in the local area on a competitive basis, based upon the
38 recommendations of the youth council.

39 (f) Identify eligible providers of training services.

1 (g) Identify eligible providers of intensive services and
2 awarding contracts to those providers.

3 (h) Develop local policy on the amount and duration of
4 individual training accounts based upon the market rate for local
5 training programs.

6 (i) Develop a budget for the purpose of carrying out the duties
7 of the local board.

8 (j) Conduct program oversight over workforce investment
9 funds in the local area.

10 (k) Enter into a written agreement with the chief local elected
11 official that describes the roles and responsibilities of each party.

12 (l) Negotiate with the chief elected official in the local area
13 and the Governor on local performance measures for the local
14 area.

15 (m) Assist in the development of a statewide employment
16 statistics system, which shall be developed in conjunction with
17 and shall utilize to the fullest extent possible, the Employment
18 Development Department's labor market information system.

19 ~~(n) Develop a grievance system for the customers of the~~
20 ~~one-stop-delivery system.~~

21 14207. The local board, in order to carry out its functions:

22 (a) Shall prepare and approve a budget for itself.

23 (b) May hire staff, contract for staff services from appropriate
24 state agencies, and incorporate, solicit, and accept contributions
25 and grant funds from other sources.

26 (c) Shall not provide training services unless the Governor
27 grants a written waiver of this provision.

28 (d) Shall not provide other workforce investment services or
29 be designated as a one-stop operator without the agreement of the
30 chief local elected official and the Governor.

31 14208. A youth council shall be established as a subgroup
32 within each local board, appointed by the local board in
33 cooperation with the chief local elected official. Youth council
34 membership shall conform with the requirements of the
35 Workforce Investment Act of 1998.

36 14209. It is the intent of the Legislature that when appointing
37 members to the youth council, the chairperson of the local
38 workforce investment board and the local elected official
39 appoint:

1 (a) Representatives of youth who are enrolled in school, and
2 out of school youth.

3 (b) Representatives from the private sector.

4 (c) Representatives of local educational agencies serving
5 youth.

6 (d) Representatives of private nonprofit agencies serving
7 youth.

8 (e) Representatives of apprenticeship training programs
9 serving youth.

10 14210. The youth council shall do all of the following:

11 (a) Develop youth employment and training policy for eligible
12 and noneligible youth in the local workforce investment area in
13 collaboration with local educational entities, representatives of
14 the private sector, and community-based organizations serving
15 youth.

16 (b) Develop the portions of the local plan relating to youth.

17 (c) Make recommendations of eligible providers of youth
18 activities for the purpose of the award of grants or contracts on a
19 competitive basis by the local board to carry out youth activities.

20 (d) Leverage other youth program funds in the local area for
21 the purpose of improving the effectiveness of local programs
22 through collaborative planning, funding, and service delivery.

23 (e) Conduct oversight and coordination of youth activities in
24 the local area.

25 (f) Ensure that youth program activities, including those
26 provided by local educational entities, are connected to the
27 one-stop delivery system.

28 (g) Ensure that youth program activities include training in
29 nontraditional occupations for women and girls and
30 preapprenticeship training.

31 Article 2. Local Workforce Investment Plan

32
33 14220. Each local board shall develop and submit to the
34 Governor a comprehensive five-year local plan in partnership
35 with the appropriate chief elected official. The plan shall be
36 consistent with the state plan.

37 14221. The local plan shall include all of the following:

38 (a) A local labor market assessment which contains an
39 identification of local and regional workforce investment needs;
40

1 ~~including vocational education, job training, and job placement~~
2 ~~needs~~, of businesses, jobseekers, and workers in the local area,
3 the current and projected employment opportunities in the local
4 area, and the job skills necessary to obtain that employment. This
5 assessment shall be used as the basis for all public sector
6 workforce educational and training investments in the local area.

7 (b) A description of the local one-stop delivery system,
8 including all of the following:

9 (1) A description of how the local board will ensure system
10 integration that will improve services to local employers and
11 jobseekers, a description of local funding sources and levels, ~~and~~
12 ~~a description of how local partners are leveraging resources,~~
13 ~~reducing duplication, and providing continuous improvement and~~
14 ~~quality control.~~

15 (2) A copy of each memorandum of understanding between
16 the local board and each of the one-stop partners concerning the
17 operation of the one-stop delivery system in the local area.

18 ~~(c) A description of the process used to ensure accessibility to~~
19 ~~all services to individuals with barriers to employment and to~~
20 ~~give priority for intensive and job training services to~~
21 ~~low-income individuals and public assistance recipients.~~

22 ~~(d)~~
23 (c) A description of the local levels of performance negotiated
24 with the Governor and chief elected official to be used to
25 measure the performance of the local area and the performance of
26 the local fiscal agent, eligible providers, and the one-stop
27 delivery system in the local area. Performance standards shall not
28 create disincentives for serving clients for whom it is more
29 difficult to provide service.

30 ~~(e) A description of the distribution of local administrative~~
31 ~~costs between local board operations and one-stop operations.~~

32 ~~(f)~~
33 (d) A description and assessment of the type and availability
34 of adult and dislocated worker employment and training
35 activities in the local area.

36 ~~(g)~~
37 (e) A description of how the local board will coordinate
38 workforce investment activities carried out in the local area with
39 statewide rapid response activities, as appropriate.

1 ~~(h) A description of the local policy on individual training~~
2 ~~accounts.~~

3 ~~(i)~~

4 (f) A description and assessment of the type and availability of
5 youth activities in the local area, including an identification of
6 successful providers of those activities.

7 ~~(j)~~

8 (g) A description of the process used by the local board,
9 consistent with ~~subdivision (e)~~ *Section 14223*, to provide an
10 opportunity for public comment, including comment by
11 representatives of businesses, labor organizations, and
12 community-based organizations, and input into the development
13 of the local plan, prior to submission of the plan.

14 ~~(k)~~

15 (h) An identification of the entity responsible for the disbursal
16 of funds under the Workforce Investment Act of 1998.

17 ~~(l)~~

18 (i) A description of the competitive process to be used to
19 award the grants and contracts in the local area for activities
20 carried out under the Workforce Investment Act of 1998.

21 14222. The local board may submit a local unified plan that
22 includes or integrates the local workforce investment plan and
23 the following individual plans, activities, and programs:

24 (a) An instructional and job training plan required by Section
25 10200 of the Education Code.

26 (b) A plan for community college curriculum development or
27 redesign required pursuant to Section 79202 of the Education
28 Code.

29 (c) A county plan for CalWORKs required by Section 10531
30 of the Welfare and Institutions Code.

31 (d) A local welfare-to-work plan required by Section 5063, to
32 the extent permitted under federal law.

33 14223. The local board shall make available copies of a
34 proposed local plan, allow members of the local board and
35 members of the public to submit comments on the proposed local
36 plan to the local board not later than the end of the 30-day period
37 beginning on the date on which the proposed local plan is made
38 available and submit the plan to the Governor along with any
39 comments that were in disagreement with the plan.

Article 3. One-Stop Career Center System

14230. (a) It is the intent of the Legislature that:

(1) California deliver comprehensive workforce preparation services to jobseekers, students, and employers through a system of one-stop career centers.

(2) Universal access to core services shall be available to residents regardless of income, education, employment barriers, or other eligibility requirements. Core services shall include, but not be limited to:

(A) Outreach, intake, and orientation to services available through the one-stop delivery system.

(B) Initial assessment of skill levels, aptitudes, abilities, and supportive service needs.

(C) Job search and placement assistance.

(D) Career counseling, where appropriate.

(E) Provision of labor market information.

(F) Provision of program performance and cost information on eligible providers of training services and local area performance measures.

(G) Provision of information on supportive services in the local area.

(H) Provision of information on the filing of claims for unemployment compensation benefits and unemployment compensation disability benefits.

(I) Assistance in establishing eligibility for welfare-to-work activities pursuant to Section 11325.8 of the Welfare and Institutions Code, and financial aid assistance.

(3) State and federally funded workforce education, training, and employment programs shall be integrated in the one-stop delivery system to achieve universal access to the core services described in paragraph (2).

(4) Intensive services shall be provided to individuals who have completed at least one core service, have been unable to obtain employment, and who have been determined, by the one-stop operator, as being in need of more intensive services, or who are employed but in need of intensive services to obtain or retain employment to achieve self-sufficiency. Intensive services may include comprehensive and specialized assessments of skill levels and service needs, including learning disability screening,

1 the development of individual employment plans, counseling,
2 career planning, and short-term pre-vocational services to
3 prepare an individual for training and employment.

4 (5) Training services shall be provided to individuals who
5 have met the requirements for intensive services, have been
6 unable to obtain or retain employment through these services,
7 and who, after an interview, evaluation, or assessment, are
8 determined to be in need of training, and have selected a program
9 of services directly linked to occupations in demand in the local
10 or regional area. Training services may include:

11 (A) Occupational skill training including training for
12 nontraditional employment.

13 (B) On-the-job training.

14 (C) Programs that combine workplace training with related
15 instruction.

16 (D) Training programs operated by the private sector.

17 (E) Skill upgrading and retraining.

18 (F) Entrepreneurial training.

19 (G) Job readiness training.

20 (H) Adult education and literacy activities, including
21 vocational English as a second language, provided in
22 combination with subparagraphs (A) through (G), inclusive.

23 (I) Customized training conducted with a commitment by an
24 employer or group of employers to employ an individual upon
25 completion of the training.

26 (6) (A) Priority for intensive services and training services
27 shall be given to recipients of public assistance and other low-
28 income individuals.

29 (B) Preassessment services provided to CalWORKs
30 participants, including appraisal, orientation, and job search shall
31 count as core services.

32 (C) A CalWORKs participant's welfare-to-work plan shall
33 meet the plan requirements to receive training services.

34 (b) Each local workforce investment board shall ~~establish~~
35 *designate or certify* at least one full service one-stop career
36 center in the workforce investment area. Each one-stop career
37 center shall have all entities specified in Section 14231 as
38 partners and shall provide jobseekers with employment,
39 education, training, and integrated job search services, and
40 employers with access to comprehensive career and labor market

1 information, common automated intake and eligibility
2 determinations, job placement, economic development
3 assistance, and performance and program information on service
4 providers.

5 (c) Each local board shall develop a process for identifying
6 individuals who because of their skills or experience should be
7 referred immediately to training services. This process, along
8 with the methods for referral of individuals between the one-stop
9 operators and the one-stop partners for appropriate services and
10 activities, shall be contained in a memorandum of understanding
11 between the local board and the one-stop partners.

12 (d) In light of California's diverse population, each one-stop
13 career center should have the capacity to provide the appropriate
14 services to the full range of languages and cultures represented in
15 the community served by the one-stop career center.

16 14231. (a) The local providers of the following programs or
17 activities shall be required partners in the local one-stop system:

18 (1) Programs authorized under Title I of the Workforce
19 Investment Act of 1998.

20 (2) Programs authorized under the Wagner-Peyser Act (29
21 U.S.C. Sec. 49 et seq.).

22 (3) Adult education and literacy activities authorized under
23 Title II of the Workforce Investment Act of 1998.

24 (4) Programs authorized under Title I of the Rehabilitation Act
25 of 1973 (29 U.S.C. Sec. 720 et seq.).

26 (5) Programs authorized under Section 403(a)(5) of the Social
27 Security Act (42 U.S.C. Sec. 603(a)(5) as added by Section 5001
28 of the Balanced Budget Act of 1997).

29 (6) Activities authorized under Title V of the Older Americans
30 Act of 1965 (42 U.S.C. Sec. 3056 et seq.).

31 (7) Postsecondary vocational education activities authorized
32 under the Carl D. Perkins Vocational and Applied Technology
33 Education Act (20 U.S.C. Sec. 2301 et seq.), including
34 community colleges and regional occupational centers and
35 programs.

36 (8) Activities authorized under Chapter 2 of Title II of the
37 Trade Act of 1974 (19 U.S.C. Sec. 2271 et seq.).

38 (9) Activities authorized under Chapter 41 (commencing with
39 Section 4100) of Title 38 of the United States Code.

1 (10) Employment and training activities carried out under the
2 Community Services Block Grant Act (42 U.S.C. Sec. 9901 et
3 seq.).

4 (11) Employment and training activities carried out by the
5 Department of Housing and Urban Development.

6 (12) Programs authorized by this code, in accordance with
7 applicable federal law.

8 (13) Workforce investment activities provided by the county
9 welfare departments.

10 (14) Small business development centers, as defined in
11 Section 15382 of the Government Code, where they exist.

12 (b) Community-based organizations that provide intensive
13 services as described in paragraph (4) of subdivision (a) of
14 Section 14230, shall be encouraged to be one-stop partners.

15 14232. The local board, with the agreement of the chief
16 elected official for the local area, shall develop and enter into a
17 memorandum of understanding with the local one-stop partners,
18 designate or certify one-stop operators, and conduct oversight
19 over the local one-stop delivery system.

20 14233. One-stop career center operators shall recognize and
21 comply with applicable labor agreements affecting employees of
22 one-stop career centers, including the right to access by labor
23 representatives pursuant to the Ralph C. Dills Act (Chapter 10.3
24 (commencing with Section 3512) of Division 4 of Title 1 of the
25 Government Code).

26 14234. In order to avoid a conflict of interest, operators of
27 one-stop career centers that issue vouchers shall not be the
28 recipient of vouchers issued by their center without the approval
29 of the chief local elected official and the state board in instances
30 when there are no other potential one-stop partners in the local
31 area.

32 14235. To the full extent permitted by federal law, the
33 Employment Development Department shall utilize its
34 Wagner-Peyser funded activities and programs to support local
35 one-stop career centers.

36 14236. It is the intent of the Legislature that the redirection of
37 state and federal funds to support one-stop career centers should
38 not result in the loss of employment for state employees,
39 including, but not limited to, the loss of employment by
40 displacement or privatization of state functions. State employees

performing services at one-stop career centers shall retain existing civil service and collective bargaining protections on matters relating to employment, including, but not limited to, hiring, firing, promotion, discipline, and grievance procedures. State employees who are located at one-stop career centers shall remain under the supervision of their employing department for the purposes of performance evaluation, and other matters related to civil service rights and responsibilities. If work-related issues arise at one-stop centers between state employees and operators, supervisors, or other partners, the operator or supervisor, as applicable, shall defer all actions to the civil service supervisor.

SEC. 6. Chapter 5 (commencing with Section 14500) is added to Division 7 of the Unemployment Insurance Code, to read:

CHAPTER 5. EDUCATIONAL SERVICES

14500. (a) Notwithstanding any other provision of law, when a person using his or her Workforce Investment Act individual training account enrolls in an adult education program, a noncredit curricula program at a community college, or a regional occupational center or program, for which state funds are allocated, all of the following shall apply:

(1) The entities administering the program may use Workforce Investment Act individual training account funds only to increase the number of hours of services provided above their adult block entitlement pursuant to Section 52616 of the Education Code and funding limit for regional occupational center programs for the purpose of enhancing services already supported with state funds. Any state funds provided to these entities above their adult block entitlements and funding limit for regional occupational center programs shall be subject to an appropriation in the annual Budget Act.

(2) Any state funds allocated to the entity administering the program shall not be offset with the Workforce Investment Act individual training account funds.

(3) The entity administering the program shall use the Workforce Investment Act individual training account funds received for the program.

(b) The board may authorize local boards to reserve a specified number of Workforce Investment Act individual training accounts for the purpose of enhancing services already supported with state funds. In these cases, Workforce Investment Act individual training account funds may supplement state funds for any of the following types of programs:

(1) Programs with small class sizes or other features that improve instruction.

(2) Programs specifically designed for hard-to-service adults, including, but not limited to, adults with learning disabilities.

(3) High-cost training programs.

(4) Any other type of program that the local board believes merits the use of WIA individual training account funds to supplement state funds.

14510. To the extent permitted by federal law, school districts and county offices of education are eligible to apply to local youth councils to provide basic skills training and skills necessary for attaining a secondary school diploma.

14520. It is the intent of the Legislature that state and local performance measures for youth be aligned with indicators used to assess student performance in meeting statewide content and performance standards pursuant to Sections 60605, 60641, 60810, and 60811 of the Education Code. Indicators used to measure attainment of basic skills for youth 14 to 18 years of age may include the tools used by school districts to assess student progress in meeting statewide content and performance standards pursuant to Sections 60605, 60641, 60810, and 60811 of the Education Code.

14530. It is the intent of the Legislature that a portion of the funding reserved for youth activities be utilized to improve the academic skills of low-achieving youth, including those at risk of not passing the high school exit examination required by Section 60850 of the Education Code, and for school dropout prevention activities. To the extent permissible under federal law, the Governor may set aside a portion of the youth funding specifically for programs to improve the academic skills of low-achieving youth, including those at risk of not passing the high school exit examination required by Section 60850 of the Education Code, and for dropout prevention activities.

1 SEC. 7. Chapter 6 (commencing with Section 14600) is
2 added to Division 7 of the Unemployment Insurance Code, to
3 read:

4
5 CHAPTER 6. WORKFORCE DATA AND INFORMATION
6

7 14600. It is the intent of the Legislature to establish a
8 coordinated system for economic and workforce data collection,
9 analysis, and dissemination that does all of the following:

10 (a) Develops indicators for continuous monitoring and
11 describing of the state's economy at the local, regional, and state
12 levels.

13 (b) Supports local workforce investment boards, local
14 governments, public sector entities, research institutes, nonprofit
15 organizations, community groups, and individuals in assessing
16 and developing their human, institutional, and physical resources
17 for achieving community prosperity by maintaining a regional
18 competitive advantage in domestic and global marketplaces.

19 (c) Meets the state employment statistics requirements of
20 Section 49(l)-2 of Title 29 of the United States Code.

21 14610. It is further the intent of the Legislature that the goal
22 of the information system and products disseminated thereunder
23 shall be to provide information linking economic development
24 activities to workforce preparation and to provide customers of
25 the workforce system with tools that do all of the following:

26 (a) Provide user-friendly electronic systems like geographic
27 information technologies, and other formats to display data.

28 (b) Utilize various communications media, such as the
29 Internet, to enable all consumers with varying technical abilities
30 and special needs to access and use that data.

31 (c) Permit customers to combine this data with other data sets
32 to describe and understand the complex geographic interaction
33 between business, labor, and education and other community
34 needs that impact workforce and job development.

35 (d) Facilitate research, description, analysis, and display of
36 important trends, such as emerging industries and changing
37 occupations, skills, and workforce requirements demanded by the
38 new economy.

39 SEC. 8. Division 8 (commencing with Section 15000) of the
40 Unemployment Insurance Code is repealed.

1 ~~SEC. 9.—If the Commission on State Mandates determines that~~
2 ~~this act contains costs mandated by the state, reimbursement to~~
3 ~~local agencies and school districts for those costs shall be made~~
4 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
5 ~~4 of Title 2 of the Government Code.~~

6 *SEC. 9. No reimbursement is required by this act pursuant to*
7 *Section 6 of Article XIII B of the California Constitution because*
8 *this act implements a federal law or regulation and results only*
9 *in costs mandated by the federal government, within the meaning*
10 *of Section 17556 of the Government Code.*